

COSTELLO & MAINS, LLC
By: Kevin M. Costello, Esquire
Attorney I.D. No. 024411991
18000 Horizon Way, Suite 800
Mount Laurel, NJ 08054
(856) 727-9700
Attorneys for Plaintiff

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Hudson County Superior Court
August 15, 2017
At 12:16 PM
ESSEX JUDICIARY
SUPERIOR COURT OF NEW JERSEY

[REDACTED], Plaintiff,
vs.
STATE OF NEW JERSEY; STATE OF
NEW JERSEY JUDICIARY and JOHN
DOES 1-5 AND 6-10, Defendants.
: SUPERIOR COURT OF NEW JERSEY
: HUDSON COUNTY - LAW DIVISION
: CIVIL ACTION
: DOCKET NO: L-4872-16
: COMPLAINT AND JURY DEMAND

Plaintiff, [REDACTED], residing in East Orange, New Jersey, by way of Complaint
against the defendants, says:

Preliminary Statement

This matter is brought under the New Jersey Law Against Discrimination ("LAD")
alleging sexual harassment in the workplace. This matter is being filed in Hudson County
because plaintiff is an employee of the Judiciary in Essex County and upon information and
belief, Hudson is the appropriate conflict County for Essex.

Identification of Parties

1. Plaintiff [REDACTED] is, at all relevant times herein, a resident of the State of New Jersey and was employed by the defendants.
2. Defendant State of New Jersey is, at all relevant times herein, a public entity subject to suit under the LAD and was the employer of the plaintiff and all other individuals set forth herein.
3. Defendant State of New Jersey Judiciary is, at all relevant times herein, an entity subject to suit under the LAD and was the employer of the plaintiff and all other individuals set forth herein.
4. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the plaintiff for the acts set forth herein.

General Allegations

5. Plaintiff is an employee of the defendants, employed at the Superior Court of New Jersey, Essex County.
6. Plaintiff has been employed by the defendant since on or about June 9, 2003 and currently holds the title of Judiciary Clerk III.
7. Plaintiff is female.
8. All harassment herein is alleged to be severe and/or pervasive.
9. All harassment herein is alleged to be sexual in its face.
10. All harassment herein is such that a reasonable woman in the same or similar circumstances as plaintiff would have found the work environment to have become altered so that it had become hostile and/or intimidating and/or abusive.

11. The workplace did so alter for plaintiff.
12. Plaintiff alleges that all harassment alleged herein was continuous, ongoing and part of a pattern and practice such that all harassment described herein is actionable under the continuing violation doctrine.
13. Plaintiff was previously supervised by Ronald Warren, who held the title of Court Service Supervisor I.
14. Mr. Warren was a member of upper management as that term is defined under the LAD.
15. Mr. Warren remained plaintiff's supervisor until his suspension on or about July 9, 2015.
16. Mr. Warren regularly engaged in acts of sexual harassment towards the plaintiff.
17. The harassment included, but was not limited to:
 - (a) making comments about plaintiff's appearance and her body;
 - (b) commenting on plaintiff's attractiveness;
 - (c) directing sexual noises and grunts towards the plaintiff;
 - (d) referencing a "little blue pill" for sexual activity;
 - (e) stating that plaintiff was more attractive than his wife;
 - (f) touching plaintiff on the buttocks; and
 - (g) indicating sexual desire towards the plaintiff
18. The actions of Mr. Warren were uninvited, unwelcomed and unappreciated.
19. Additionally, plaintiff observed and learned that Mr. Warren had sexually harassed other female members of the department.

20. Upon information and belief, Mr. Warren sexually harassed a number of other female employees, at least one of whom had made prior complaint.

21. Similarly, a male employee is also believed to have made written complaint of Mr. Warren's sexually harassing behavior directed towards women.

22. Regardless of those complaints, Mr. Warren remained undeterred and continued his sexual harassment of plaintiff and other women in the office.

23. Defendants are liable for the harassment because (a) they delegated authority to Mr. Warren, which Mr. Warren abused to harass the plaintiff; (b) failed to promulgate a policy reasonably meant to deter and prevent such harassment; and (c) having been made aware of such harassment, failed to take steps reasonably designed to stop and prevent further harassment.

24. In or about April 2016, plaintiff was transferred to a similar position in the Family Division.

25. An employee there, Louis Vodo, referenced the termination of Mr. Warren and then stated in reference to females in the Criminal Division, plaintiff's prior division, that they were "whores" and "they would basically fuck you there in the courtroom."

26. As a result of the harassment, plaintiff has been forced to endure emotional pain and suffering.

27. Because the harassment was egregious and because members of upper management participated in and/or were willfully indifferent to the same, punitive damages are warranted.

COUNT I**Sexual Harassment Under the LAD**

28. Plaintiff hereby repeats and realleges paragraphs 1 through 27, as though fully set forth herein.

29. For the reasons set forth above, the defendants are liable to plaintiff for the sexual harassment she experienced in the workplace.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COUNT II**Request for Equitable Relief**

30. Plaintiff hereby repeats and realleges paragraphs 1 through 29 as though fully set forth herein.

31. Plaintiff requests the following equitable remedies and relief in this matter.

32. Plaintiff requests a declaration by this Court that the practices contested herein violate New Jersey law as set forth herein.

33. Plaintiff requests that this Court order the defendants to cease and desist all conduct inconsistent with the claims made herein going forward, both as to the specific plaintiff and as to all other individuals similarly situated.

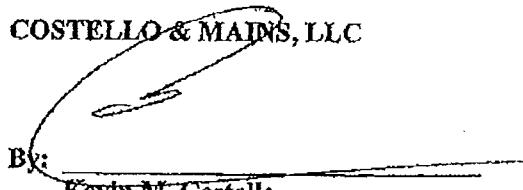
34. Plaintiff requests that the Court equitably order the defendants to pay costs and attorneys' fees along with statutory and required enhancements to said attorneys' fees.

35. Plaintiff requests that the Court order the defendants to alter their files so as to expunge any reference to which the Court finds violates the statutes implicated herein.

36. Plaintiff requests that the Court do such other equity as is reasonable, appropriate and just.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

COSTELLO & MAINS, LLC

By: 
Kevin M. Costello

Dated: 6/29/16

DEMAND TO PRESERVE EVIDENCE

1. All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiff's employment, to plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

2. Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

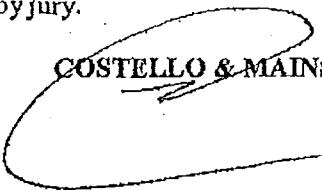

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JURY DEMAND

Plaintiff hereby demands a trial by jury.


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By: _____

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RULE 4:5-1 CERTIFICATION

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.
2. There may be common issues of facts, questions and law between this captioned matter and *Brandon and Darby v. State of New Jersey, et al.*, HUD-L-5176-15.
3. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

COSTELLO & MAINS, LLC

By: _____
Kevin M. Costello

DESIGNATION OF TRIAL COUNSEL

Kevin M. Costello, Esquire, of the law firm of Costello & Mains, LLC, is hereby designated trial counsel.

COSTELLO & MAINS, LLC

By: _____
Kevin M. Costello